

Clerk, U.S. District Court
Southern District of Texas
FILED

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

APR 30 2015

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Shawn Jerrell JACOBS**CRIMINAL COMPLAINT**Case Number: **C-15-521m-1**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 4/28/2015 in Brooks County, in the

Southern District of Texas defendant(s), **Shawn Jerrell JACOBS**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent **Warren Thompson**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

Warren Thompson

Printed Name of Complainant

Sworn to before me and signed in my presence,
and probable cause found on:

April 30, 2015

Date

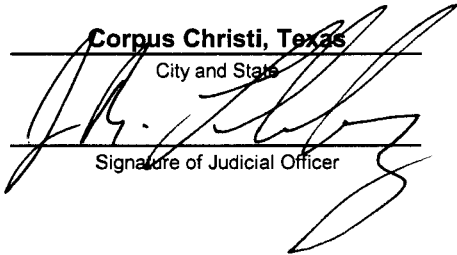
Jason B. Libby, U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State


Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

FACTS:

On Tuesday, April 28, 2015, Border Patrol Agent (BPA) Horacio Espinoza was performing assigned checkpoint duties at the United States Border Patrol Checkpoint, located approximately 13 miles south of Falfurrias, Texas on Highway 281. Working along with BPA Espinoza was BPA Jose Berrones and his service canine "DAX".

At approximately 2210 hours a white Ryder rental box truck displaying Texas License Plates BC58337 approached the primary inspection lane for an immigration inspection of its occupants. Once the vehicle came to a complete stop BPA Espinoza asked the driver, later identified as JACOBS, Shawn Jerrell, if he was a United States Citizen to which he stated "Yes". BPA Espinoza asked JACOBS what was he hauling and he replied "plants". BPA Espinoza then asked JACOBS if he could examine his bill of lading. JACOBS replied after looking confused and a long pause "I don't have one". BPA Espinoza then asked him why not. BPA Espinoza asked JACOBS if the plants belong to him and he replied "no I am supposed to deliver them here in Falfurrias". BPA Espinoza asked JACOBS what company he worked for. JACOBS stated that he worked for Earth Allegation. BPA Espinoza noticed that JACOBS's cheeks were quivering as he was answered the questions.

During the inspection, BPA Jose Berrones and his service canine "DAX" conducted a non-intrusive free air sniff of the truck. BPA Berrones then signaled BPA Espinoza non-verbally, by holding up two fingers to refer the Box truck to secondary for further inspection. BPA Espinoza asked JACOBS for consent to search the truck. JACOBS consented to the search of the truck. As JACOBS was driving the truck to the secondary area of inspection located on the east side of the checkpoint he suddenly veered off his lane and almost collided with another truck. JACOBS eventually managed to park his truck in the secondary area of inspection.

Once in secondary BPA Espinoza made contact with JACOBS and asked him to exit the truck. In the secondary area BPA Espinoza asked JACOBS how long he has been working for that company (Earth Allegation) and he replied "I just started for about three days". BPA Espinoza then asked JACOBS if he loaded the truck himself and if he knew what kind of plants he was delivering. JACOBS stated he had no idea and the truck was already loaded. BPA Espinoza asked JACOBS if he had a key for the lock located on the side door of the truck. JACOBS stated he didn't have the key. BPA Espinoza noticed during his questioning of JACOBS, JACOBS kept avoiding eye contact with BPA Espinoza and looking at Agent Berrones and his canine.

Agent Berrones and his service canine "DAX" conducted a search of the truck. Canine "DAX" alerted and indicated to the bottom right wall located inside the box truck. As Agent Berrones inspected the wall, he noticed that the sheet metal had a small door that had screws around. The inside of the box seemed shorter in length when compared to the exterior of the box truck. Agent Berrones removed the screws and opened the door. Agent Berrones found multiple subjects hiding behind a false wall that was built inside the box truck. Agent Berrones

interviewed the subjects and determined there was six Mexican nationals and one Honduran national. All seven subjects were found to have entered the United States illegally. Agent Berrones placed the seven subjects under arrest at that time. Agent Berrones then advised via radio to arrest JACOBS because there were undocumented aliens in the trailer. At that time BPA Espinoza placed JACOBS under arrest and escorted him into the checkpoint.

Once inside the checkpoint BPA Espinoza advised JACOBS of his Miranda Rights as per Service Form I-214 in his preferred language of English. JACOBS then signed his rights and acknowledged that he understood his rights. JACOBS also agreed to answer questions without a lawyer present. BPA Jose Berrones served as the witness.

PRINCIPALS SWORN STATEMENT:

JACOBS stated he arrived to McAllen, Texas on or about April 18, 2015 from Cleveland. JACOBS stated he has been staying at a Comfort Inn in McAllen, Texas located on 10th st. JACOBS stated on today's date (April 28, 2015) he met a man named Juan Lopez at a Stripes store located close to the Comfort Inn where he is staying. JACOBS stated he has been working for Juan Lopez for three days and he was supposed to meet him there for instructions of where to deliver a box truck with plants. JACOBS stated he met Juan Lopez at around 4:00 PM at the Stripes Convenience Store. JACOBS stated Juan Lopez gave him the keys to the Ryder rental truck and told him to deliver the plants to Falfurrias, Texas. JACOBS stated Juan Lopez did not give him an address, but he was going to receive a call from Juan Lopez in the morning with the address. JACOBS stated he was going to gas up and rent a room in Falfurrias for the night.

MATERIAL WITNESS STATEMENTS:

LOPEZ-HERNANDEZ, Jose Saturnino was advised his Miranda Rights as per Service Form I-214 in his preferred language of Spanish by Border Patrol Agent Horacio Espinoza. LOPEZ-HERNANDEZ then signed his rights and acknowledged that he understood his rights. LOPEZ-HERNANDEZ also agreed to answer questions without a lawyer present. Border Patrol Agent Micheal OSheilds served as witness.

LOPEZ-HERNANDEZ stated an unknown man took him to a residential area and told him to get inside a white box truck that was parked on the side of the road. LOPEZ-HERNANDEZ stated when he got inside the box truck he saw a false compartment with a small door and walked inside. LOPEZ-HERNANDEZ stated there were a few subjects already inside and somebody closed the compartment as soon as he walked in. LOPEZ-HERNANDEZ stated after about an hour somebody started the engine and the box truck started to move. LOPEZ-HERNANDEZ stated the driver then drove for about an hour until he got arrested at the Falfurrias Border Patrol Checkpoint. LOPEZ-HERNANDEZ stated he did not see who was driving the box truck.

RODRIGUEZ-PALOS, Refugio Quirino, was advised his Miranda Rights as per Service Form I-214 in his preferred language of Spanish by Border Patrol Agent Horacio Espinoza. LOPEZ-HERNANDEZ then signed his rights and acknowledged that he understood his rights. LOPEZ-HERNANDEZ also agreed to answer questions without a lawyer present. Border Patrol Agent Micheal OSheilds served as witness.

RODRIGUEZ-PALOS stated an unknown man took him to a house close to a Walmart in Pharr, Texas. RODRIGUEZ-PALOS stated the house was occupied by a family and a lady told him to stay there for a few hours. RODRIGUEZ-PALOS stated after about four hours waiting there, a man took him outside and told him to get inside a white box truck parked outside the house. RODRIGUEZ-PALOS stated he got inside and noticed there was a small box with a small door. RODRIGUEZ-PALOS stated he then got inside the small box with two other subjects. RODRIGUEZ-PALOS stated he waited for about an hour and a half until four other subjects got inside and the driver started the engine. RODRIGUEZ-PALOS stated the driver then drove for about an hour without stopping. RODRIGUEZ-PALOS stated when the driver stopped he got arrested at the Falfurrias Checkpoint.

The other five smuggled subject's stated that when the driver started the truck he did not make any other stops. They stated that after about an hour the driver stopped the truck and they all got arrested by Border Patrol Agents at the Falfurrias Checkpoint.

On April 28, 2015 at 11:32 P.M BPA Renee Tuinstra requested consent to search the cellular phones found in JACOBS possession. JACOBS granted consent and signed a consent form. BPA Tuinstra discovered text messages on the Motorola Blackberry device that lead her to believe that the messages were related to the smuggling of illegal aliens.

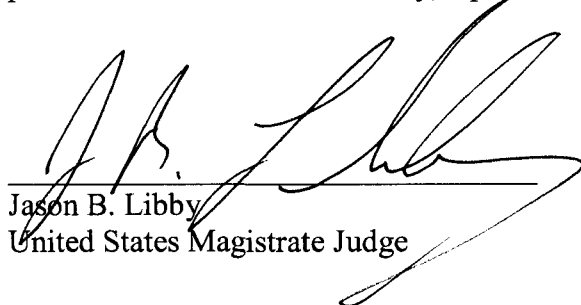
DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Julie Hampton who accepted Shawn Jerrell JACOBS for prosecution of 8 USC 1324, Alien Smuggling. Refugio Quirino RODRIGUEZ-Palos and Jose Saturnino LOPEZ-Hernandez were held as material witnesses in this case.



Warren Thompson
Border Patrol Agent

Sworn to before me, signed in my presence, and
probable cause found on this day, April 30th, 2015



Jason B. Libby
United States Magistrate Judge